

Appl. No. 09/328,975  
Amtd. dated 10/14/05  
Reply to Office action of 10/06/05

REMARKS

Rejection of the claims under 35 USC §102/103:

Claims 1, 3, and 5-8 have been rejected under 35 U.S.C. 102(f) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent 6,881,576.

Claims 1, 3, and 6-8 have been rejected under 35 U.S.C. 102(f) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent 6,740,643.

Claims 1, 3, and 5-7 have been rejected under 35 U.S.C. 102(f) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent 6,740,336.

Claims 1, 3, and 5-8 have been rejected under 35 U.S.C. 102(f) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent 6,818,626.

Claims 1, 3, and 5-7 have been provisionally rejected under 35 U.S.C. 102(f) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over copending Applications No. 10/795,679.

With this letter, Applicants file a declaration under 37 CFR 1.132 showing that the referenced prior art and the instant invention were commonly owned by Mirus Bio Corporation at the time the inventions were made.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' declaration, it is submitted that claims 1, 3 and 5-8 should be allowable.

Respectfully submitted,



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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: 10/14/05.

  
Kirk Ekena